

1-55 are pending and that claims 1-10, 12-14 and 19-55 are withdrawn, the Applicant notes that in the *Amendment* filed on October 3, 2006, claims 16, 43, 47 and 49 were canceled.) Accordingly, claims 11, 15, 17 and 18 are currently elected, of which claim 11 is independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 11 and 15-18 as anticipated by U.S. Patent Application Publication No. 2004/0119955 to Tanaka. The Applicant respectfully traverses the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant respectfully submits that an anticipation rejection cannot be maintained against independent claim 11 of the present application. Specifically, claim 11 recites "crystallizing a semiconductor film formed over an insulating surface by irradiating first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to the semiconductor film is $1 \times 10^4 \text{ cm}^{-1}$ or more and second laser light generated in a continuous wave oscillation, wherein when the first laser light and the second laser light are irradiated, a region irradiated by the first laser light and a region irradiated by the second laser light are overlapped in such a way that the region irradiated by the first laser light falls within the region irradiated by the second laser light, and wherein the second laser light is a solid-state laser light and has a fundamental wave." For the reasons provided below, the Applicant respectfully submits that Tanaka does not teach the above-referenced features of the present invention, either explicitly or inherently.

Although Tanaka appears to disclose irradiating first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to the

semiconductor film is $1 \times 10^4 \text{ cm}^{-1}$ or more and irradiating second laser light generated in a continuous wave oscillation, where the second laser light is a solid state laser light and has a fundamental wave, Tanaka does not disclose that a region irradiated by the first laser light falls within the region irradiated by the second laser light, either explicitly or inherently. Specifically, Tanaka fails to disclose the combination of a first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to the semiconductor film is $1 \times 10^4 \text{ cm}^{-1}$ or more, a second laser light generated in a continuous wave oscillation, where the second laser light is a solid-state laser light and has a fundamental wave, and where the region irradiated by the first laser light falls within the region irradiated by the second laser light. The Official Action asserts that this feature is taught in paragraphs [0014] and [0015] of Tanaka. The Applicant respectfully submits that paragraphs [0014] and [0015] of Tanaka do not teach the above-referenced features of claim 11, either explicitly or inherently.

In the "Response to Arguments" section, the Official Action asserts "a mere change of label from 'second' to 'first' would still render Applicant's claim anticipated and such designations can be made" (page 5, Paper No. 20061224). The Applicant respectfully disagrees and traverses the assertions in the Official Action. One cannot simply change a label in Tanaka from "first" to "second" and "second" to "first" and achieve the features of the present claims, because the Applicant is not merely claiming duplicative features where the first and second laser beams have no other distinguishing features. The claims clearly recite first and second laser beams having particular features, and the assertion in the Official Action that "such designations can be made" is simply false. The Official Action has not shown that Tanaka teaches a first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to the semiconductor film is $1 \times 10^4 \text{ cm}^{-1}$ or more, a second laser light generated in a continuous wave oscillation, where the second laser light is a solid-state laser light and has a fundamental wave, and where the region irradiated by the first

laser light falls within the region irradiated by the second laser light, either explicitly or inherently.

Since Tanaka does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 11 and 15-18 as anticipated by U.S. Patent No. 6,528,397 to Taketomi. The Applicant respectfully traverses the rejection because the Official Action has not established an anticipation rejection.

The Applicant respectfully submits that an anticipation rejection cannot be maintained against independent claim 11 of the present application. Claim 11 recites irradiating first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to the semiconductor film is $1 \times 10^4 \text{ cm}^{-1}$ or more and irradiating second laser light generated in a continuous wave oscillation, where the second laser light is a solid-state laser light and has a fundamental wave.

On the other hand, although Taketomi appears to disclose that a first laser light is a pulsed laser light and a second laser light is a continuous wave laser light, Taketomi appears to disclose a second laser light being a carbon dioxide gas laser or an argon laser, which are gas lasers (column 22, line 65, or column 23, line 63, etc.). Taketomi does not disclose the combination of a second laser light being a solid-state laser light and a fundamental wave, either explicitly or inherently. Also, although the Official Action asserts that Taketomi teaches that a second laser light has a fundamental wave, the Official Action is silent as to the claimed feature that the second laser light is a solid-state laser light.

Therefore, the Applicant respectfully submits that Taketomi does not teach irradiating first laser light generated in a pulse oscillation having a wavelength at which an absorption coefficient to the semiconductor film is $1 \times 10^4 \text{ cm}^{-1}$ or more and irradiating second laser light generated in a continuous wave oscillation, where the

second laser light is a solid-state laser light and has a fundamental wave, either explicitly or inherently.

Since Taketomi does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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